UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,065	12/15/2003	Thomas Michael Guyette	260-003	4266

44185 7590 07/13/2007
LOTUS AND RATIONAL SOFTWARE
McGuinness & Manaras LLP
125 NAGOG PARK
ACTON, MA 01720

EXAMINER
CHEN, QING

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 June 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office action is in response to the amendment filed on June 5, 2007.

2.   **Claim 1** is pending.

3.   **Claim 1** has been amended.

4.   **Claims 2-20** have been cancelled.

5.   The objections to the drawings are withdrawn in view of Applicant's amendments to the

drawings.

6.   The objections to the specification are withdrawn in view of Applicant's amendments to

the specification.

7.   The objections to Claims 2-4, 6, 8-10, 12, 14-16, 18, and 20 are withdrawn in view of

Applicant's cancellation of the claims.

8.   The 35 U.S.C. § 101 rejections of Claims 1-20 are withdrawn in view of Applicant's

amendments to Claim 1 and cancellation of Claims 2-20.

Response to Amendment

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

10.   **Claim 1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

Claim 1 recites the limitations "said at least one question" and "said at least one operational characteristic." There are insufficient antecedent bases for these limitations in the claim. In the interest of compact prosecution, the Examiner subsequently interprets these limitations as reading "at least one question" and "said operational characteristic," respectively, for the purpose of further examination.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Fagg, III et al.** (US 5,960,419) in view of **Hekmatpour** (US 5,644,686).

As per **Claim 1**, Fagg, III et al. disclose:

-    inputting a plurality of questions, wherein said plurality of questions reflect a system design of said software system under development, and wherein said plurality of questions include questions regarding whether a configuration value associated with a component of said software system under development is the same for all users *(see Column 5: 16-18, "For example, the question block in FIG. 2 contains a reference to a program block EE Reference*

shown in the index. "; Column 6: 10-15, "The execution program 28 thus is a computer-based

method for assisting a user in making decisions in the process of completing a task defined by

the application program 26. In summary, in the process of executing the application program 26,

the execution program 28 provides a set of questions for completing the task at hand. ");

    -   generating a category array in response to said plurality of questions, wherein each

element in said category array corresponds to a unique set of answers to said plurality of

questions *(see Column 6: 15-22, "The user is asked a first question from the set as the execution*

program 28 provides a choice of answers to the first question for the user. The execution

program also provides advice to the user for deciding which of the answers to the first question

to select. This advice may take the form of help or context program blocks that can be accessed

by user commands for explaining the meaning or consequence of a question or answer. ");

    -   inputting an operational characteristic of a component of said software system under

development, wherein said operational characteristic is said configuration value associated with

said component of said software system under development *(see Column 5: 6-10, "The index*

lists the names of the program blocks on the display for selection by the user, for adding new

program blocks, for opening a block for editing in the workspace or for entry of a reference to

an indexed block into an open block. ");

    -   displaying at least one question regarding said operational characteristic *(see Column*

6: 14-17, "The user is asked a first question from the set as the execution program 28 provides a

choice of answers to the first question for the user." and 47-49, "... the questions are asked and

the answers and advice are provided by displaying them on a computer display. "); and

- inputting at least one answer to at least one question *(see Column 6: 23, "The user's answer to the first question is recorded ... ")*.

However, Fagg, III et al. do not disclose:

- wherein each element in said category array contains a corresponding one of a plurality of design guidelines, each of said plurality of design guidelines indicating a name of a corresponding one of a plurality of data stores;

- locating, responsive to said at least one answer and said category array, one of said plurality of design guidelines related to said operational characteristic, wherein said located one of said plurality of design guidelines is a name of a data store to be used to store said operational characteristic; and

- displaying said name of said data store to be used to store said operational characteristic.

Hekmatpour discloses:

- wherein each element in said category array contains a corresponding one of a plurality of design guidelines, each of said plurality of design guidelines indicating a name of a corresponding one of a plurality of data stores *(see Column 12: 21-24, "Identify the source of answers or data for each node. Should the user be prompted for the answer, should the data be extracted from a file, or should a database be queried? ")*;

- locating, responsive to said at least one answer and said category array, one of said plurality of design guidelines related to said operational characteristic, wherein said located one of said plurality of design guidelines is a name of a data store to be used to store said operational characteristic *(see Column 16: 12-19, "For example, the recent replacement of a faulty*

component with a good part should decrease the belief that the part is at fault. This is a part of

the knowledge base, but whether the part has actually been replaced is not a part of the

knowledge base. Such information may reside in tool history logs or maintenance databases

which could be queried by the knowledge base."); and

- displaying said name of said data store to be used to store said operational

characteristic *(see Column 5: 15-18, "... a computer system is provided having memory means*

for storing multimedia displayable information and display means for displaying information to

a user of the computer system.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teaching of Hekmatpour into the teaching of Fagg, III et

al. to include wherein each element in said category array contains a corresponding one of a

plurality of design guidelines, each of said plurality of design guidelines indicating a name of a

corresponding one of a plurality of data stores; locating, responsive to said at least one answer

and said category array, one of said plurality of design guidelines related to said operational

characteristic, wherein said located one of said plurality of design guidelines is a name of a data

store to be used to store said operational characteristic; and displaying said name of said data

store to be used to store said operational characteristic. The modification would be obvious

because one of ordinary skill in the art would be motivated to persistently store data.

Response to Arguments

13.   Applicant's arguments with respect to Claim 1 have been considered, but are moot in

view of the new ground(s) of rejection.

Conclusion

14.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The

Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM.

The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QC / *ac*
July 2, 2007

WEI ZHEN
SUPERVISORY PATENT EXAMINER